

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**JOSHUA EDWARDS, Individually and on  
behalf of all others similarly situated**

*Plaintiffs,*

v.

**4JLJ, LLC d/b/a J4 OILFIELD  
SERVICES and JOHN JALUFKA**

*Defendants.*

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**Civil Action No. 2:15-CV00299**

**JURY TRIAL DEMANDED**

<b>DEFENDANTS' OPPOSED MOTION FOR CONTINUANCE OF TRIAL SETTING</b>
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TO THE HONORABLE JUDGE OF SAID COURT:

Defendant 4JLJ, LLC d/b/a J4 Oilfield Services ("J4") and Defendant John Jalufka file this Motion For Continuance of Trial Setting and would show the Court as follows:

1. Pursuant to the Court's January 7, 2016 Scheduling Order, this case was originally set for trial on November 14, 2016. *See* Dkt. No. 27.

2. On July 20, 2016, the Court reset the trial date to November 28, 2016, due to an internal conflict. *See* Dkt. No. 86. Based on the trial length of the parties' sister case before this Court,<sup>1</sup> Defendants expect that trial will last approximately two to three (2-3) weeks.

3. In an effort to comply with the new trial date, Defendants have attempted to rearrange previously scheduled conflicts. However, despite all efforts, Counsel Michael Harvey has two arbitration settings during the expected trial period; specifically, December 1, 2016, and December 6, 2016. Mr. Harvey's participation at trial is critical to Defendants' case and his inability to appear would result in an undue hardship.

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<sup>1</sup> Case 2:15-cv-00182; *Ferrara v. 4JLJ, LLC*

4. In addition, Defendants are experiencing difficulty with the logistics involved in witnesses preparation and presentation at trial due to the holidays. Notably, Defendant Jalufka has planned and paid for a vacation during the Thanksgiving holiday. As Corporate Representative, Mr. Jalufka is a critical witness in his own defense and J4's defense. Mr. Jalufka is expected to testify regarding the designation of Plaintiffs as exempt employees under the FLSA, Defendants' bases for the exemptions, his participation in Defendant's day to day operations, and rebut any contradicting testimony by Plaintiffs.

5. The current Motion is Defendants' first request for a continuance. Defendants do not believe that a continuance will create prejudice.

6. Accordingly, Defendants request that the November 28, 2016 trial date be continued and the parties be reset for trial on the next available date.<sup>2</sup>

WHEREFORE, PREMISES CONSIDERED, Defendants pray that their Motion for Continuance be granted and all other relief to which they may show themselves to be entitled.

DATE: September 28, 2016

Respectfully Submitted,

**MUNSCH HARDT KOPF & HARR, P.C.**

By: /s/ Daniel D. Pipitone

**Daniel D. Pipitone**

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**ATTORNEY IN CHARGE FOR  
DEFENDANTS**

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<sup>2</sup> Consistent with the parties' discussion with the Court during the Ferrara trial, the next available date would be January 30, 2016.

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been sent to counsel of record by means of ECF this 28th day of September, 2016:

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**ATTORNEY FOR PLAINTIFFS**

/s/ Michael A. Harvey  
Michael A. Harvey